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Attorney Docket No. 004770.00031

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of:

Akseli Anttila et al.

Serial No.: 10/017,654

Filed: December 12, 2001

For: SYNCHRONOUS MEDIA PLAYBACK AND
MESSAGING SYSTEM

Atty. Docket No.: 004770.00031

Group Art Unit: 2151

Examiner: Divecha, Kamal B.

Confirmation No.: 7848

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Page 1 of 1



Effective on 12/08/2004.
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| FEE TRANSMITTAL for FY 2006 | | Complete if Known | |
|--|-------------|--------------------------|-----------------------|
| | | Application Number | 10/017,654 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Filing Date | December 21, 2001 |
| | | First Named Inventor | Akseli Anttila et al. |
| | | Confirmation No. | 7848 |
| | | Art Unit | 2151 |
| TOTAL AMOUNT OF PAYMENT | (\$) 500.00 | Attorney Docket No. | 004770.00031 |

METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|----------------------|-------------|----------------------|------------------|----------------------|----------------|
| | Fee (\$) | Small Entity Fee(\$) | Fee(\$) | Small Entity Fee(\$) | Fee(\$) | Small Entity Fee(\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | _____ |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | _____ |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | _____ |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | _____ |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | _____ |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|---|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 30 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims _____ **Extra Claims** _____ **Fee(\$)** _____ **Fee Paid (\$)** _____

_____ -20 or HP= _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ **Extra Claims** _____ **Fee(\$)** _____ **Fee Paid (\$)** _____

_____ - 3 or HP= _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|---|----------|---------------|
| _____ | _____ | _____ / 50 = _____ (round up to a whole number) x _____ | _____ | _____ |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Appeal Brief (26 pp.) - Filing Fee under 37 CFR § 41.20(b)(2) \$500.00

SUBMITTED BY

| | | | | | |
|-------------------|----------------|-----------------------------------|----------|-----------|--------------|
| Signature | | Registration No. (Attorney/Agent) | 38,538 | Telephone | 617-720-9600 |
| Name (Print/Type) | David D. Lowry | Date | 01/22/07 | | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief in accordance with 37 C.F.R. § 41.37 in support of Appellant's November 22, 2006 Notice of Appeal.

Please charge the filing fee of \$500.00 under 37 C.F.R. §41.20(b)(2) and any further necessary fees in connection with this Appeal Brief to our Deposit Account No. 19-0733.

01/23/2007 SFELEKE1 00000074 190733 10017654

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REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The real party in interest is Nokia Corporation, the assignee of record.

RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals or interferences.

STATUS OF THE CLAIMS

37 C.F.R. § 41.37(c)(1)(iii)

Claims 1 – 20 are pending.

Claims 21-22 are withdrawn.

Claims 23 -25 are pending.

Claims 26-29 are withdrawn.

Claims 30 – 34 are pending.

Claims 35 is cancelled.

Claims 36 and 37 are pending.

Pending Claims 1 – 20, 23-25, 30 – 34, 36 and 37 are rejected, and Appellant hereby appeals the rejection of all pending claims.

STATUS OF AMENDMENTS

37 C.F.R. § 41.37(c)(1)(iv)

There are no amendments filed subsequent to the Final Rejection of 8/22/2006.

SUMMARY OF CLAIMED SUBJECT MATTER

37 C.F.R. § 41.37(c)(1)(v)

The independent claims are directed towards a method for synchronous media playback, comprising the steps of: (a) transmitting a media playback invite request received from a first terminal 101 (Fig. 1) to a second terminal 103, wherein the first terminal 101 is associated with a host user and the second terminal 103 is associated with guest user; (b) relaying a media playback accept response from the second terminal 103 to the first terminal 101; and (c) distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal 103 to begin a playback session of a media file in synchronization with the first terminal 101. See Specification Paragraphs 5, 30, 34-35 and Fig. 2.

An advantage provided by this invention is described in the Specification, Paragraph 4:

It would be advantageous to enable people to watch or listen to the same performance or recording, such as a song or video that is conveyed on a recording medium, at substantially the same time in distant locations and to engage in interaction with other users having access to the recording medium.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

37 C.F.R. § 41.37(c)(1)(vi)

The grounds of rejection on appeal are whether Claims 1 – 5, 8 – 20, 23 – 25, and 30 – 37 are unpatentable under 35 U.S.C. 103(a) over U.S. Patent 6,425,131 issued to Crandall et al., in view of U.S. 6,223,211, issued to Hamilton et al.

ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

Claims 1 – 5, 8 – 20, 23 – 25, and 30 – 36 are patentable under 35 U.S.C. 103(a), over U.S. Patent 6,425,131 issued to Crandall et al., in view of U.S. 6,223,211, issued to Hamilton et al.

The Examiner states that Crandall does not explicitly teach “(c) distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file in synchronization with the first terminal” of Claim 1 (and all other independent claims). However, the Examiner alleges that Crandall does suggest the synchronization feature at Col. 3, lines 18-29, and Col. 5 lines 1-42, and also Fig. 1, because in Fig. 1 elements 180 and 128, “The picture of the baby is shown on both terminals.” See the Office Action of 8/22/2006, Page 7.

Appellant asserts that Crandall fails to disclose, teach or suggest at least the feature of synchronization. Going through the passages of Crandall cited by the Examiner as showing synchronization, Col 3 lines 18-29 describes:

The control computer (which may be a personal computer or an automated interactive server of some kind) may be connected to a data network, which for purposes of illustration is a connectionless packet-switched public data network (PDN) such as the Internet. The sender's control computer is connected across the data network to a server computer 150 which facilitates the broadcast of the information to the recipient. The client software 120 illustrated in FIG. 1 comprises a computer program 121 which permits the user to choose a recipient from an address book 122 and dial a voice connection to the recipient by selecting button 123.

This passage does not disclose or suggest the feature of distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file *in synchronization with the first terminal*”.

Turning now to Col. 5, lines 1-48, Crandall describes:

After the TV subscriber answers the telephone call, a version of the URL formatted for the subscriber's television is broadcast on the designated CATV channel at step 320. As described above, the signal can be any type of signal that may be utilized by a television for video display, regardless of the form, including the standard NTSC-modulated RF carrier, an MPEG-compressed digital data stream, or any other format. The broadcast can commence immediately, after a designated period of telephone connection time (e.g. a minute), after the called party has explicitly accepted the cable transmission (e.g. through touch tone), or after some other condition has been met. Explicit acceptance could be accomplished using the touch-tone keypad on the called party's telephone. The calling and called parties can be permitted to interact with the displayed material: either through the calling party's computer or through the use of the touch tone keypad on either the called or calling party's telephone. Thus, the visual display can be altered at the direction of the cable TV viewer via the telephone touch-tone. Scrolling of the CATV image could also be done via the called party's television remote control.

The broadcast transmission to the subscriber's CATV can continue until the phone call is disconnected. Likewise, the called party can also be allowed to continue viewing the information after the connection with the calling party has disconnected. An example of such a system, after the voice communication connection has ended, is shown in FIG. 2. The called party could continue to interact with the World Wide Web and the web page even after the calling party disconnects, for example, by using the telephone's touch-tone.

With reference to the above-quoted passage, the Examiner uses the following definition from a standard computer dictionary source¹, as provided in the Office Action of 8/22/06:

The term "synchronization" is defined as:

- i. In networking, a communications transmission in which multi-byte packets of data are sent and received at a fixed rate.
- ii. In networking, the matching of timing between computers on the network.
- iii. In a computer, the matching of timing between the components of the computer so that all are coordinated.
- iv. In multimedia, precise real-time processing. Audio and Video are transmitted over a network in synchronization so that they can be played back together without delayed responses.
- v. In handheld computing, the process of updating or backing-up the data on a handheld computer to the linked software applications on a desktop computer
- vi. To cause to occur at the same time.

¹ Appellant notes that the Examiner does not provide the verbatim definition of "synchronization" as listed in the dictionary, but leaves out one possible definition based on version control, and the Examiner also adds in the definition of "synchronize", which is defined separately. Appellant does not believe this variation is material in view of Appellant's arguments.

The Examiner asserts that: “Crandall teaches the process of broadcasting the transmission of digital data stream from one terminal to the other until the connection is disconnected (col. 5 L1-30), and based upon the at least first and fourth definition [from the dictionary], one of ordinary skilled in the art can clearly conclude that Crandall does suggest synchronization of data between two terminals because the transmission is occurring real-time.” See the Office Action of 8/22/2006, Page 3. Appellant disagrees for several reasons.

First, there is no recitation in Claim 1 of “transmission of digital data stream from one terminal to the other”. The Claim recites “distributing a start playback **request** from the first terminal to the second terminal ...” A start playback request is entirely different from a digital data stream.

Second, the Examiner applies the first and fourth definitions from the dictionary entry, to Crandall, and then states that this broad definition of synchronization is necessary to interpret the meaning of the claim recitation. The Examiner stated in the OA 8/22/2006 that “During patent examination, the pending claims must be “given >their< broadest reasonable interpretation consistent with the specification.” > In re Hyatt, 21 1 F.3d 1367, 1372, 54 USPQ2d 1664,1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1 181, 26 USPQ2d 1057 (Fed. Cir. 1993).” Appellant asserts that the Examiner is incorrectly confusing claim limitations with the words recited by the claims. The words of the claims are interpreted in light of the specification.

MPEP (s) 2111.01 states that:

(The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation >**in light of the specification**<.). This means that the words of the claim must be given their plain meaning unless ****>the plain meaning is inconsistent with<** the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) (Emphasis Added)

Therefore, in order to interpret the proper meaning of synchronization, Appellant refers to the specification of the present invention:

Background, Paragraph 4:

[0004] It would be advantageous to enable people to watch or listen to the same performance or recording, such as a song or video that is conveyed on a recording medium, **at substantially the same time** in distant locations and to engage in interaction with other users having access to the recording medium. Moreover, it is important that the intellectual property rights of the media owners are protected.
(Emphasis added)

Detailed Specification, Paragraphs 38 and 39:

[0038] **The playback session is started in a substantially synchronous manner for all the active users** (host user, guest user A, and guest user B). Synchronism can be achieved by a number of approaches. Central server 107 stores an internal time at the time of starting the playback session. The playback session commences when central server 107 receives start playback request 201 and consequently distributes start playback request 203 and 205 to guest user A and guest user B, respectively. At that time, central server 107 **stores the internal time for starting the playback session**. Other guest users (not depicted in FIG. 2) can later join the playback session. The elapsed time since the beginning of the playback session is sent in the start playback request to the newly joining guest user.

[0039] If a greater degree of synchronicity is desired (as may be the case if time delays in system 100 are a concern), a more complex method to ensure true synchronicity can be incorporated by system 100. For example, **the internal times tracked by terminals 101, 103, and 105 and central server 107 can be synchronized to a common global clock**, e.g. the Global Positioning System (GPS). Central Server 107 compares the internal clocks (as reported in messages such as accept responses 207 and 215) with the internal clock of central server 107. The time delays can be compensated by sending the corresponding time differences to terminals 101, 103, and 105 so that the corresponding playback device (which are considered as logically contained in the terminal) **can coordinate media player operation in order to synchronize player actions**.
(Emphasis added).

Therefore, the term synchronization as interpreted by the specification, matches only the dictionary definition vi: “To cause to occur at the same time”, in that the playbacks occur on the first terminal and the second terminal **at the same time**. The dictionary definitions related to fixed rate package transmission (definition i) and audio and video synchronization (so the audio

output is synched with the video output) (definition iv) are inconsistent with the meaning as provided by the specification.

Using the properly interpreted meaning of “the start playback request directs the second terminal to begin a playback session of a media file in synchronization with the first terminal”, as previously shown, Crandall does not disclose or suggest this at Col. 3, lines 18-29, and Col. 5, lines 1-42. The only remaining issue is whether Fig.1 of Crandall discloses or suggests this feature. Appellant asserts that the Examiner’s statement that “The picture of the baby is shown on both terminals.” is not a reasonable inference to suggest synchronization. The still image (e.g., picture of a baby) of Crandall being displayed on different screens does not support an inference of a playback in synchronization with another terminal. In fact, the specification that describes Fig. 1 teaches away from synchronization. See Crandall, Col. 3, lines 31-35 and 51-53:

The user can choose information to be transmitted to the recipient by inputting a file name or URL in field 127. The information is **displayed in window 128 and can be transmitted for broadcast by selecting button 126.**

...

The recipient of the shared data 170 may be a CATV subscriber with a conventional television set 180 connected to some coaxial cable distribution network. In FIG. 1, the television 180 is shown connected through a set top box 185 to a cable head end 165 of the cable distribution network.

(Emphasis Added).

This shows the information first displayed on a first device (window 128), and will only appear on the second device (television set 180) when the user selects button 126 to cause the information to be sent to the second device. This certainly does not suggest synchronization between the playback on the two terminals. Therefore, Appellant asserts that Crandall does not disclose, suggest or motivate the feature of “feature of distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file *in synchronization with the first terminal.*”

Finally, Appellant asserts that Hamilton does not make up for the deficiency in Crandall. The Examiner states that “Hamilton explicitly teaches synchronizing playback of a medial [sic] file between two terminal (Claim 16) and locally storing the media file in the second terminal

(Claim 16, Fig. 2 element 63; video memory).” Please see the Office Action dated 04/17/2006, Page 4. Appellant asserts that Hamilton merely teaches providing real-time access to media data from a server to a single client playback system. Hamilton discloses a technique for streaming media data to a client using buffering such that the data is displayed on the client in real-time. Hamilton is not concerned with and does not teach synchronizing the playback session of a media file among multiple clients. *See* Hamilton, Col. 10, lines 10-41. Also see Hamilton, Claim 16, where multiple **different** data streams of media data are synchronized to **one** client by using buffering, for “synchronized playback”. This is a different concept from what is claimed by the present invention.

Accordingly, Appellant asserts that neither Crandall or Hamilton, either separate or in combination, teach or suggest each and every feature of the present invention as claimed in Claim 1. Further, Independent Claims 11, 14, 23, 34², 36 and 37 also include inter alia, various recitations of “start playback request directs the second terminal to begin a playback session of a media file in synchronization with the first terminal”. Therefore, Appellant asserts that all pending independent claims, and all claims dependent upon them, are allowable.

² Claim 34 includes a recitation that the playback session is “of a media file that is locally stored on the second terminal in synchronization with the first terminal”. This feature of the locally stored media file is also not disclosed, taught or suggested by Crandall or Hamilton, either separately or in combination. In Hamilton, the media file is not stored at the client, but is streamed to the client at a rate based on the client buffering ability. *See* Hamilton, Col 10 lines 10-41.

CONCLUSION

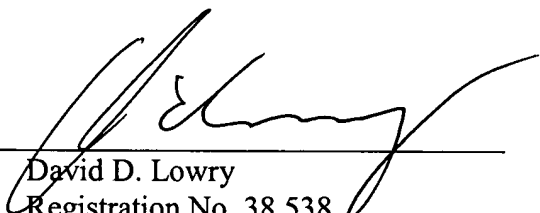
For all of the foregoing reasons, Appellant respectfully submits that the final rejection of claims 1 – 20, 24, 25, 30 – 34, 36 and 37 is improper and should be reversed, and all pending claims be allowed.

Respectfully submitted,

Nokia, Inc.

Dated: January 22, 2007

By: _____


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CLAIMS APPENDIX

37 C.F.R. § 41.37(c)(1)(viii)

Listing of Claims:

1. (Original) A method for synchronous media playback, comprising the steps of:
 - (a) transmitting a media playback invite request received from a first terminal to a second terminal, wherein the first terminal is associated with a host user and the second terminal is associated with guest user;
 - (b) relaying a media playback accept response from the second terminal to the first terminal; and
 - (c) distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file in synchronization with the first terminal.
2. (Original) The method of claim 1, further comprising the step of:
 - (d) distributing an action request between the first terminal and the second terminal during the playback session.
3. (Original) The method of claim 2, further comprising the step of: verifying permissions associated with the first terminal or the second terminal before executing step (d).
4. (Original) The method of claim 2, wherein the action request is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual

comment request, and a user-specified internal effect algorithm to modify audio or video of the media file.

5. (Original) The method of claim 1, further comprising the step of:

(d) distributing a stop playback request from the first terminal to the second terminal in response to the host user terminating the playback session.

6. (Original) The method of claim 1, further comprising the step of:

(d) storing an internal time in response to step (c); and

(e) providing an elapsed time to second terminal when the second terminal joins the playback session during the playback session.

7. (Original) The method of claim 1, further comprising the steps of:

(d) receiving a first internal time from the first terminal or the second terminal, wherein the first internal time is derived from a global time;

(e) comparing the first internal time to a second internal time in order to derive a time difference, wherein the second internal time is derived from the global time; and

(f) adjusting transmission of a subsequent message to the first terminal or the second terminal.

8. (Original) The method of claim 1, further comprising the steps of:

(d) receiving a stop playback request from the second terminal in response to the guest user withdrawing from the playback session; and

(e) removing a session entry that is associated with the second terminal, wherein the session entry indicates participation of the second terminal in the playback session.

9. (Original) The method of claim 1, further comprising the steps of:

(d) receiving a stop playback request from the first terminal in response to the host user ending the playback session; and

(e) terminating the playback session in response to step (d).

10. (Original) The method of claim 1, further comprising the steps of:

(d) instructing the second terminal to modify the media file in accordance with a modification file during the playback session.

11. (Original) A computer-readable medium containing instructions for controlling a computer system to provide synchronous media playback and messaging, by:

transmitting a media playback invite request received from a first terminal to a second terminal, wherein the first terminal is associated with a host user and the second terminal is associated with guest user;

relaying a media playback accept response from the second terminal to the first terminal;
and

distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file in synchronization with the first terminal.

12. (Original) The computer-readable medium of claim 11, further containing instructions for controlling the computer system to provide synchronous media playback and messaging, by:

distributing an action request between the first terminal and the second terminal during the playback session.

13. (Original) The computer-readable medium of claim 11, further containing instructions for controlling the computer system to provide synchronous media playback and messaging, by:

distributing a stop playback request from the first terminal to the second terminal at least one other terminal in response to the host user terminating the playback session.

14. (Previously Presented) A method for synchronous media playback and messaging for a host user, the method comprising the steps of:

(a) sending a media playback invite request to an other terminal in response to a host user initiating an invitation to a guest user, wherein the guest user is associated with the other terminal;

(b) receiving a media playback accept response from the other terminal in response to step (a); and

(c) sending a start playback request to the other terminal in response to step (b), wherein the start playback request begins a playback session of a media file in synchronization with the host user.

15. (Original) The method of claim 14, further comprising the step of:

(d) sending an action request to the other terminal, in response to the host user initiating the request.

16. (Original) The method of claim 14, further comprising the step of:

(d) receiving an action request from the other terminal, in response to the guest user initiating the request.

17. (Original) The method of claim 15 or claim 16, wherein the action request is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment, and a request for a user-specified internal effect algorithm to modify audio or video of the media file.

18. (Original) The method of claim 14, further comprising the step of:

(d) sending a stop playback request to the other terminal in response to the host user terminating the playback session.

19. (Original) The method according to any of the claims 14, 15, 16 or 18, wherein the requests are processed through a server.

20. (Original) The method of claim 14, wherein steps (a), (b), and (c) utilize a wireless communications channel.

21. (Withdrawn)

22. (Withdrawn)

23. (Previously Presented) A computer-readable medium containing instructions for controlling a computer system to provide synchronous media playback and messaging, by:

sending a media playback invite request to an other terminal in response to a host user initiating an invitation to a guest user, wherein the guest user is associated with the other terminal;

receiving a media playback accept response from the other terminal in response to sending the media playback invite request; and

sending a start playback request to the other terminal in response to receiving the media playback accept response, wherein the start playback request begins a playback session of a media file in synchronization with the host user.

24. (Original) The computer-readable medium of claim 23, further containing instructions for controlling the computer system to provide synchronous media playback and messaging, by:

 sending an action request to the other terminal, in response to the host user initiating the request.

25. (Original) The computer-readable medium of claim 23, further containing instructions for controlling the computer system to provide synchronous media playback and messaging, by:

 receiving an action request from the other terminal, in response to the guest user initiating the request.

26. (Withdrawn)

27. (Withdrawn)

28. (Withdrawn)

29. (Withdrawn)

30. (Previously Presented) The method of claim 1, wherein the media file is locally stored on the second terminal for playback.

31. (Previously Presented) The computer-readable medium of claim 11, wherein the media file is locally stored on the second terminal for playback.

32. (Previously Presented) The method of claim 14, wherein the media file is locally stored on the second terminal for playback.

33. (Previously Presented) The computer-readable medium of claim 23, wherein the media file is locally stored on the second terminal for playback.

34. (Previously Presented) A central server for use in a synchronous media playback system comprising:

a communications interface;

a storage medium; and

a processor programmed with computer-executable instructions to perform the steps comprising:

(a) transmitting a media playback invite request received from a first terminal to a second terminal, wherein the first terminal is associated with a host user and the second terminal is associated with guest user;

(b) relaying a media playback accept response from the second terminal to the first terminal; and

(c) distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a

playback session of a media file that is locally stored on the second terminal in synchronization with the first terminal.

35. (Cancelled)

36. (Previously Presented) A host terminal for use in a synchronous media playback system comprising:
a communications interface;
a media player;
a storage medium; and
a processor programmed with computer-executable instructions to perform the steps comprising:

(a) initiating a media playback invitation to a terminal associated with the guest user;

(b) receiving a media playback accept response from the terminal associated with the guest user in response to step (a); and

(c) sending a start playback request to the terminal associated with the guest user in response to step (b), wherein the start playback request begins a playback session of a media file in synchronization with the host terminal.

37. (Currently Amended) A system for the synchronous playback of a media file between terminals comprising:

a host terminal for initiating a media playback invitation and, in response to an accept response, sending a start playback request to begin a playback session of a media file in synchronization with the host terminal;

a guest terminal for accepting the media playback invitation from the ~~first~~host terminal and beginning a playback session of a media file in synchronization with the host terminal; and
a central server for transmitting the media playback invitation, the accept response, and the start playback request between the terminals.

EVIDENCE APPENDIX

37 C.F.R. § 41.37(c)(1)(ix)

NONE

RELATED PROCEEDINGS APPENDIX

37 C.F.R. § 41.37(c)(1)(x)

NONE